

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----X
LEONARD "LEXINGTON" FILIPOWSKI,

Plaintiff,

-against-

**ARCHDIOCESE OF NEW YORK, ARCHBISHOPRIC
OF NEW YORK, HOLY CROSS CATHOLIC CHURCH,
CHURCH OF OUR LADY OF MOUNT CARMEL
AND THE CARMELITE FATHERS, INC. A/K/A
THE CARMELITE FRIARS NORTH AMERICAN
PROVINCE OF ST. ELIAS,**

Defendants.

Index No.:

**Plaintiff Designates
NEW YORK
County as the place of trial**

**The basis of venue is the Defendant
PRINCIPAL PLACE OF
BUSINESS**

SUMMONS

**Plaintiff reside at
County of QUEENS**

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To the abovenamed Defendants

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, and the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: August 14, 2019
New York, New York

**Patrick Noaker
NOAKER LAW FIRM LLC
1600 Utica Avenue S., 9th Floor
St. Louis Park, MN 55416
(952) 491-6798
patrick@noakerlaw.com**

**Stephan H. Peskin
TOLMAGE, PESKIN, HARRIS & FALICK
20 Vesey Street, 7th Floor
New York, NY 10007
(212) 964-1390
peskin@tolmagepeskinlaw.com**

**Leander James III
Craig Vernon
JAMES, VERNON & WEEKS P.A.
1626 Lincoln Way
Coeur d'Alene, ID 83815
(208) 667-0683
ljames@jvwlaw.net
cvernon@jvwlaw.net**

Defendants' Addresses:

Archdiocese of New York
1101 First Ave.
New York, NY 10022

ArchbishiopRIC of New York
1011 First Avenue
New York, NY 10022

Holy Cross Catholic Church
626 County Route 22
Middletown, NY 10940

Church of Our Lady of Mount Carmel
90 Euclid Avenue
Middletown, NY 10940

The Carmelite Fathers, Inc. a/k/a The Carmelite Friars North American Province of St. Elias
P.O. Box 3079, 68 Carmelite Dr.
Middletown, NY 10940

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

-----X **Index No.:**
LEONARD "LEXINGTON" FILIPOWSKI,

Plaintiff,
-against-

VERIFIED COMPLAINT

**ARCHDIOCESE OF NEW YORK, ARCHBISHOPRIC
OF NEW YORK, HOLY CROSS CATHOLIC CHURCH,
CHURCH OF OUR LADY OF MOUNT CARMEL
AND THE CARMELITE FATHERS, INC. A/K/A
THE CARMELITE FRIARS NORTH AMERICAN
PROVINCE OF ST. ELIAS,**

Defendants.

-----X
Plaintiff, Leonard "Lexington" Filipowski, by and through undersigned counsel,
complaining of the Defendants, upon information and belief, alleges as follows:

PARTIES, JURISDICTION, AND VENUE

1. This Complaint arises from the sexual battery of Plaintiff by Fr. George Boxelaar, on or about 1971 to 1974. These incidents occurred while Plaintiff was a parishioner and altar boy at Holy Cross Catholic Church.

2. Plaintiff is an adult resident of the State of New York and is otherwise *sui juris*.

3. Defendant Archdiocese of New York is a Roman Catholic Diocese and is an unincorporated non-profit business entity licensed to and doing business in The State of New York with a principal place of business at 1101 First Ave., New York, NY 10022.

4. Defendant ArchbishopRIC of New York ("ArchbishopRIC") is a New York not-for-profit religious corporation with its principal place of business at 1011 First Avenue, New York, New York 10022. ArchbishopRIC owned the Holy Cross real property at the time of the sexual battery described herein pursuant to a Deed dated February 1, 1961.

5. Defendant Holy Cross Catholic Parish a/k/a Holy Cross Catholic Church ("Holy

Cross”) is a Roman Catholic parish within the Archdiocese of New York and an unincorporated New York business entity with a principal place of business at 626 County Route 22, Middletown, NY 10940.

6. Defendant Church of Our Lady of Mount Carmel (“Mt. Carmel”) is a New York non-for-profit religious corporation located at 90 Euclid Avenue, Middletown, New York 10940. Mt. Carmel purchased the Holy Cross real property pursuant to a deed dated August 20, 1976. At the time of the sexual battery described herein, Holy Cross was a mission church that was operated by Mt. Carmel.

7. Defendant The Carmelite Fathers, Inc. a/k/a The Carmelite Friars North American Province of St. Elias (“The Carmelite Fathers”) is a Catholic Religious Order and a non-profit corporation business in the State of New York with its principal place of business at P.O. Box 3079, 68 Carmelite Drive, Middletown, NY 10940.

8. Venue is proper in this Court because the Defendant Archdiocese has its principal place of business in New York County.

9. The provisions of Section 1602 of the CPLR do not apply to the within action including nondelegable duty and/or the doctrine of respondeat superior.

10. Plaintiff brings this suit within the extended time period as provided for in Section 208 and 214-G of the Civil Practice Law.

11. Jurisdiction is proper because this Complaint seeks monetary damages in excess of \$25,000.00, exclusive of interest, costs, and attorney’s fees.

12. At all times material, Fr. George Boxelaar was an ordained Roman Catholic priest employed by and an agent of Defendants Archdiocese of New York, ArchbishopRIC, Holy Cross, Mt. Carmel and The Carmelite Fathers from 1954 to on or about 1985.

13. Upon information and belief, Fr. Boxelaar was a native of Holland.
14. Fr. Boxelaar was ordained in the Carmelite Fathers.
15. From 1954 to 1956, Fr. Boxelaar was assigned to the St. Michael's Priory in Mantzville, PA.
16. From 1956 to 1957, Fr. Boxelaar was assigned to Our Lady of Mt. Carmel in Middletown, NY.
17. From 1956 to 1957, Fr. Boxelaar was assigned to the missions of Our Lady of Mount Carmel, including, but not limited to Assumption in Bloomingburg, NY; St. Paul's in Bullville, NY; Holy Name in Otisville, NY; Holy Cross in South Centerville, NY; and Our Lady of the Scapular in Unionville, NY.
18. From 1956 to 1957, Fr. Boxelaar was assigned to the stations of Our Lady of Mt. Carmel, including, but not limited to: New York City Reformatory in New Hampton, NY; Middletown State Hospital in Middletown, NY; and State School Annex in New Hampton, NY.
19. From 1957 to 1962, Fr. Boxelaar does not appear in the Official Catholic Directory indexes or in the diocesan pages at his previous or next assignments.
20. From 1962 to 1985, Fr. Boxelaar was assigned to Our Lady of Mt. Carmel in Middletown, NY.
21. From 1962 to 1971, Fr. Boxelaar was assigned to the stations of Our Lady of Mt. Carmel, including, but not limited to: New York City Reformatory in Middletown, NY; Middletown State Hospital in Middletown, NY; State School Annex in Hampton, NY; and Otisville Training School in Otisville, NY.
22. From 1971 to 1974, Fr. Boxelaar was assigned to stations of Our Lady of Mt. Carmel, including, but not limited to Otisville Training School in Otisville, NY.

23. From 1974 to 1976, Fr. Boxelaar was assigned to stations and missions of Our Lady of Mt. Carmel, including but not limited to Otisville Drug Rehabilitation Center in Otisville, NY.

24. From 1971 to 1980, Fr. Boxelaar was assigned to stations and missions of Our Lady of Mt. Carmel, including, but not limited to Middletown State Hospital/Middletown Psychiatric Center in Middletown, NY.

25. From 1962 to 1985, Fr. Boxelaar was assigned to missions of Our Lady of Mt. Carmel, including but not limited to Assumption in Bloomingburg, NY; St. Paul's in Bullville, NY; Holy Name; Holy Cross in South Centerville, NY; and Our Lady of the Scapular in Unionville, NY.

26. Upon information and belief, in 1985, Fr. Boxelaar was returned to Holland.

27. Upon information and belief, Fr. Boxelaar died in April 1990.

28. Upon information and belief, the Carmelites received at least one (1) complaint regarding Fr. Boxelaar in the 1970s and at least five (5) complaints about Fr. Boxelaar in the 1980s.

29. In 2002, one man came forward to the Times Herald-Record, alleging that in 1973 when he was approximately 8 years old, Fr. Boxelaar pulled him between his legs, held him by the arm, and reached down his pants. This occurred during his first Confession in a classroom at Our Lady of Mount Carmel Elementary School in Middletown, New York.

30. Upon information and belief, in 2002, at least 25 men came forward alleging abuse by Fr. Boxelaar in the 1970s, while they were boys at Holy Cross and at Our Lady of the Scapular in Unionville.

31. At all times relevant, Defendants Archdiocese of New York was the legal owner and/or tenant/occupier of the church located at 626 County Route 22, Middletown, NY 10940.

32. At all times relevant, Defendant ArchbishopRIC was the legal owner and/or

tenant/occupier of the church located at 626 County Route 22, Middletown, NY 10940.

33. At all times relevant, Defendant Holy Cross Catholic Parish a/k/a Holy Cross Catholic Church was the legal owner and/or tenant/occupier of the church located at 626 County Route 22, Middletown, NY 10940.

34. At all times relevant, Defendant Church of Our Lady Mount Carmel was the legal owner and/or tenant/occupier of the church located at 626 County Route 22, Middletown, NY 10940.

35. At all times relevant, Defendant The Carmelite Fathers, Inc. a/k/a The Carmelite Friars North American Province of St. Elias was the legal owner and/or tenant/occupier of the church located at 626 County Route 22, Middletown, NY 10940.

36. By holding Fr. George Boxelaar out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendants entered into a special relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendant's undertaking the care and guidance of the then vulnerable Plaintiff, Plaintiff was uniquely vulnerable, without his parents and incapable of self-protection.

37. Furthermore, Defendants, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. This empowerment prevented the Plaintiff from effectively protecting himself, and Defendants thus entered into a special relationship with Plaintiff. By holding themselves out as a safe, moral, and trusted institution to Plaintiff's parents, Defendants induced Plaintiff's parents to entrust their child to Defendants and thereby deprived Plaintiff of the protection of his family.

38. At all times material, Fr. George Boxelaar's sexual abuse of Plaintiff was foreseeable. The problem of clergy sexual abuse of minors is well-documented throughout the

history of the Roman Catholic Church. As far back as 1051, St. Peter Damian wrote in the *Book of Gomorrah* that clergy who defiled boys should be dismissed from holy orders. (*Book of Gomorrah*, Ch. 6). Later, St. Peter Damian wrote in his *Rule of the Monastery of Compludo*, about the punishment for “A cleric or monk who seduces youths or young boys” being public flogging, loss of tonsure and six months in jail, among other punishment. In 1143 or 1144, a professor at the University of Bologna named Gratian, known as the “Father of the Science of Canon Law,” identified in his work the *Decretum*, the sexual sin by a priest that he called *stuprum pueri*, which is the sexual use of boys by an adult male.

39. In 1961, the Vatican issued an instruction on the training of candidates for the priesthood, which was based upon the 1917 Code of Canon Law which stated:

Advancement to religious vows and ordination should be barred to those who are afflicted with evil tendencies to homosexuality or pederasty, since for them the common life and priestly ministry would constitute serious dangers.

40. This knowledge that Catholic clergy were sexually abusing minors continued through the middle ages and into recent history. In 1962, Pope John XXIII approved the publication *De Modo Procedendi in Causis Solicitationis*, a special procedural law for solicitation of sex in the confessional. This document contained prohibitions prohibiting clergy from having sex with minors under the age of sixteen. This document was distributed to every bishop and major religious superior in the world and was to be kept by them with the deepest secrecy. In addition, this document reflected the Catholic Church’s insistence on maintaining the highest degree of secrecy regarding the worst sexual crimes perpetrated by clergy.

41. In 1947, a priest named Fr. Gerald Fitzgerald founded a religious order of priests called the Servants of the Paracletes. This religious order was founded in order to assist and treat

Catholic clergy who experienced mental health problems. By 1952, Fr. Fitzgerald wrote that he had already treated a handful of priests who had sexually abused minors. By 1963, the Paracletes were treating so many sexually abusive clergy that they developed a shorthand code, "code 3," to describe the offense. By 1966, the Paracletes began specializing in treatment of pedophile Catholic clergy.

42. As early as 1971, the issue of sexual misconduct by clergy was being discussed in the Commonwealth of Massachusetts. Bishop Bernard Flanagan, Bishop of Worcester (Massachusetts) testified that as early as February 1971, there had been discussions about sexual misconduct among priests. According to Bishop Flanagan, "I think by 1971 I had heard of other cases of this type [sic] sexual misconduct and I knew that they were taking place in other dioceses too."

43. That same year, Dr. Conrad Baars and Dr. Anna Terruwe presented a scholarly paper titled *The Role of the Church in the Causation, Treatment and Prevention of the Crisis in the Priesthood* to the 1971 Synod of Bishops at the Vatican and to the U.S. Conference of Catholic Bishops about psychiatric problems in Catholic clergy and how psychosexual immaturity manifested itself in heterosexual and homosexual activity.

44. In 1990, psychologist and priest, A.W. Richard Sipe, published a study involving 1,500 priests that concluded that six (6) percent of priests were sexually involved with minors.

45. In 1985, the public prosecution of a priest in Lafayette, Louisiana led to the creation of the 100-page document titled *"The Problem of Sexual Molestation by Roman Catholic Clergy: Meeting the Problem in a Comprehensive and Responsible Manner"* by Fr. Thomas Doyle, F. Ray Mouton and Fr./Dr. Michael Peterson. This document was distributed to every Catholic Bishop and religious order ordinary in the United States. A significant portion of this document describes

how significant that the sexual abuse of children by Catholic clergy had become.

46. Defendants allowed Fr. George Boxelaar to have unsupervised and unlimited access to minor children, at Holy Cross in Middletown, New York, located at the time within the Archdiocese of New York.

47. At all times material, Fr. George Boxelaar was employed by Defendants Archdiocese of New York, ArchbishopRIC, Holy Cross, Mt. Carmel and The Carmelite Fathers.

48. At all times material, Fr. George Boxelaar remained under the direct supervision, employ, and control of the Defendants Archdiocese of New York, ArchbishopRIC, Holy Cross, Mt. Carmel and The Carmelite Fathers.

49. Upon information and belief, before Plaintiff was sexually abused by Fr. George Boxelaar, Defendants had actual or constructive knowledge of material facts regarding Fr. George Boxelaar's sexual misconduct, impulses, and behavior.

50. Fr. George Boxelaar inappropriately touched minor parishioners and altar boys by kissing them on the lips and touching their genitals at Holy Cross in Middletown, New York.

51. Fr. George Boxelaar inappropriately touched minor parishioners and altar boys by kissing them on the lips and touching their genitals at Our Lady of Mount Carmel Elementary School in Middletown, New York.

52. Despite clear indications of danger, Defendants took no steps to discover the specific nature of Fr. George Boxelaar's problems or to determine whether he was fit to work with children or to protect children from him, thereby increasing the likelihood that Plaintiff would be harmed.

53. Plaintiff was raised in a devout Roman Catholic family, regularly celebrated mass, received the sacraments, and participated in church-related activities. Plaintiff, therefore,

developed great admiration, trust, reverence, and respect for the Roman Catholic Church and its agents, the Archdiocese of New York and its agents, including the Archbishop, and Fr. George Boxelaar.

54. Defendants held Fr. George Boxelaar out as a qualified Roman Catholic priest, and undertook the education, religious instruction, and spiritual and emotional guidance of Plaintiff. The Archbishop exercised a direct role over Plaintiff. Accordingly, Plaintiff placed trust in Defendants so that Defendants and their agents gained superiority and influence over Plaintiff. Defendants entered into a special relationship with the Plaintiff and his family.

55. Defendants owed Plaintiff a duty of reasonable care because it assumed duties owed to Plaintiff and had superior knowledge about the risk that Fr. George Boxelaar posed to Plaintiff, the risk of abuse in general in its programs, and/or the risks that their facilities posed to minor children. Defendants had the duty to protect the moral purity of Plaintiff and other Roman Catholic children within the Archdiocese of New York.

56. Defendants owed Plaintiff a duty of reasonable care because they assumed that duty and because they solicited youth and parents for participation in its youth programs.

57. Defendants owed Plaintiff a duty of reasonable care because they undertook custody of minor children, including Plaintiff.

58. Defendants owed Plaintiff a duty of reasonable care because they promoted its facilities and programs as being safe for children.

59. Defendants owed Plaintiff a duty of reasonable care because they held out its agents including Fr. George Boxelaar as safe to work with children.

60. Defendants owed Plaintiff a duty of reasonable care because they encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Fr.

George Boxelaar, to spend time with, interact with, and recruit children.

61. Defendants had a duty to Plaintiff to protect him from harm because Defendants' actions created a foreseeable risk of harm to Plaintiff.

62. Defendants breached their duties by exposing Plaintiff to a known pedophile.

63. Defendants breached their duties by exposing Plaintiff to a priest Defendants knew or should have known was a pedophile.

64. Defendants breached their duties by recruiting, hiring, and maintaining Fr. George Boxelaar in a position of authority over children.

65. Defendants breached their duties by exposing Fr. George Boxelaar to children.

66. Defendants breached their duties by leaving Fr. George Boxelaar alone with children unsupervised.

67. Defendants breached their duties by inducing Plaintiff and his parents to entrust Plaintiff to Fr. George Boxelaar.

68. Defendants breached their duties by failing to follow policies and procedures designed to prevent child sex abuse and/or failing to implement sufficient policies and procedures to prevent child sex abuse.

69. Defendants breached their duties by failing to take reasonable measures to make sure that policies and procedures to prevent child sex abuse were working.

70. Defendants breached their duties by failing to adequately inform families and children of the known risks of child sex abuse within the Archdiocese of New York.

71. Defendants breached their duties by holding out their employees and agents, including Fr. George Boxelaar, as safe and wholesome for children to be with.

72. Defendants breached their duties by failing to investigate risks of child molestation.

73. Defendants breached their duties by failing to properly train the workers at institutions and programs within Defendants' geographical confines.

74. Defendants breached their duties by failing to have any outside agency test their safety procedures.

75. Defendants breached their duties by failing to protect the children in their programs from child sex abuse; failing to adhere to the applicable standard of care for child safety.

76. Defendants breached their duties by failing to investigate the amount and type of information necessary to represent the institutions, programs, and leaders and people as safe.

77. Defendants breached their duties by failing to respond to and/or investigate information of improper conduct of employee or agent with children, including Fr. George Boxelaar.

78. Defendants breached their duties by failing to properly train their employees to identify signs of child molestation by fellow employees.

79. Defendants breached their duty to use ordinary care in determining whether their facilities were safe and/or to determine whether they had sufficient information to represent their facilities as safe.

80. Defendants breached their duty of care by recruiting, hiring, and maintaining Fr. George Boxelaar at their facilities.

81. Defendants breached their duty of care by maintaining a dangerous condition on the premises of their facilities (i.e., a priest Defendants knew or should have known posed a risk of pedophilic harm to children).

82. Defendants breached their duty of care by holding out their facilities as a safe and moral place for children, which they were not.

83. Defendants breached their duty of care by failing to have sufficient policies and procedures to prevent abuse at their facilities.

84. Defendants breached their duty of care by failing to investigate risks at their facilities.

85. Defendants breached their duty of care by failing to properly train the workers at their facilities; failing to have any outside agency test their safety procedures.

86. Defendants breached their duty of care by failing to investigate the amount and type of information necessary to represent their facilities as safe.

87. Defendants breached their duty of care by failing to train their employees properly to identify signs of child molestation by fellow employees.

88. Defendants breached their duties to Plaintiff by holding out clergy members, including Fr. George Boxelaar, as safe, moral, and trustworthy people and by failing to warn Plaintiff and his family of the risk that Fr. George Boxelaar posed and the known risks of child sexual abuse by clerics in general.

89. Defendants also failed to warn Plaintiff about any of the knowledge that the Defendants had about child sex abuse perpetrated by clergy or Fr. George Boxelaar.

90. Defendants breached their duties to Plaintiff by failing to report Fr. George Boxelaar's abuse of children to the police and law enforcement.

91. Defendants further breached their duties by hiding a pedophile and engaging in a cover-up of abuse perpetrated by Fr. George Boxelaar.

92. Defendants knew or should have known that some of the leaders and people working at Catholic institutions within the Archdiocese of New York were not safe for children.

93. Defendants knew or should have known that they did not have sufficient

information about whether or not their leaders and people working at Catholic institutions within the Archdiocese of New York were safe around children.

94. Defendants knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Archdiocese of New York.

95. Defendants knew or should have known that they did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in Catholic programs and activities within the Archdiocese of New York.

96. Defendants knew or should have known that they had other agents who had sexually molested children. Defendants knew or should have known that child molesters have a high rate of recidivism. Defendants knew or should have known that there was a specific danger of child sex abuse for children participating in Defendants' youth programs.

97. Defendants held their leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to their programs, schools, marketing to youth and families, recruiting youth and families, and holding out the people that worked in the programs as safe for children/youth.

98. Defendants made negligent representations to Plaintiff and his family during each and every year of his minority. Plaintiff and/or his family relied upon these representations, which resulted in Plaintiff being put in a vulnerable situation with Fr. George Boxelaar who harmed him.

99. In approximately 1971 to 1974 when Plaintiff was approximately 7 to 10 years old, Plaintiff was an altar boy at Holy Cross. At about this same time, Fr. George Boxelaar sexually abused Plaintiff.

100. Fr. George Boxelaar engaged in unpermitted, harmful, and offensive sexual contact

with the Plaintiff on the physical premises of and around Holy Cross.

101. Fr. George Boxelaar sexually assaulted Plaintiff when Plaintiff was a minor and without Plaintiff's consent.

102. Defendants allowed Fr. George Boxelaar to have unsupervised and unlimited access to young children at Holy Cross located at the time within the Archdiocese of New York.

103. At all times material, Fr. George Boxelaar was employed by, or an agent of, Defendants Archdiocese of New York, ArchbishopRIC, Holy Cross, Mt. Carmel and The Carmelite Fathers.

104. At all times material, Fr. George Boxelaar was on duty as a priest 24 hours per day, 7 days per week.

105. At all times material, Fr. George Boxelaar remained under the direct supervision, employ, and control of the Defendants Archdiocese of New York, ArchbishopRIC, Holy Cross, Mt. Carmel and The Carmelite Fathers.

106. At all times material, Defendants had the right to control the means and manner of Fr. George Boxelaar's performance.

107. At all times material, Defendants paid Fr. George Boxelaar's salary and paid for Fr. George Boxelaar's health insurance and other benefits.

108. At all times material, Defendants furnished an office and other materials, supplies, and tools required for Fr. George Boxelaar to perform in his position as a priest.

109. At all times material, Defendants controlled the premises where Fr. George Boxelaar performed as a priest.

110. At all times material, Defendants had the power to terminate the employment of Fr. George Boxelaar.

111. Upon information and belief, before Plaintiff was sexually abused by Fr. George Boxelaar, Defendants had actual or constructive knowledge of material facts regarding Fr. George Boxelaar's sexual misconduct, impulses, and behavior, but failed to act on that knowledge and exposed Plaintiff as a child to Fr. George Boxelaar, thereby increasing the likelihood that Plaintiff would be harmed.

112. As a direct result of Defendants' negligence, breached duties, the sexual abuse, sexual exploitation, and Defendants' conduct, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation and psychological injuries, was prevented and will continue to be prevented from performing his normal daily activities and obtaining the full enjoyment of life, has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling all to this Plaintiff's damage in excess of the jurisdiction of all lower courts.

**AS FOR A SECOND CAUSE OF ACTION FOR RESPONDEAT
SUPERIOR/VICARIOUS LIABILITY AGAINST THE DEFENDANTS**

113. Plaintiff realleges, incorporates and restates all previous paragraphs as if set forth fully herein.

114. Among other duties, Defendants employed Fr. George Boxelaar to operate programs, including youth, altar boy and spiritual counseling programs at Holy Cross.

115. Defendants created a master-servant relationship with Fr. George Boxelaar, employing him to interact and supervise children participating in programs at Holy Cross.

116. The unwanted contact by Fr. George Boxelaar upon Plaintiff occurred during his regular working hours and at the place of his employment with Defendants while performing duties of a priest on behalf of his employers.

117. The sexual contact by Fr. George Boxelaar occurred in the course and scope of his employment with Defendants.

118. The sexual contact by Fr. George Boxelaar was generally foreseeable to Defendants.

119. The sexual contact by Fr. George Boxelaar was closely connected to what he was employed to do as a priest with Defendants, and/or was otherwise naturally incidental to his job duties.

120. Fr. George Boxelaar's conduct was motivated, at least in part, by a desire to serve his employer's business interests or otherwise meet the objectives of his employment, however misguided.

121. Alternatively, Fr. George Boxelaar's conduct constituted an authorized, minor deviation from his employment that was authorized and/or ratified by Defendants.

122. As a direct and proximate result of Fr. George Boxelaar's conduct, Plaintiff has suffered damages for which his employer is now liable.

**AS FOR A THIRD CAUSE OF ACTION FOR NEGLIGENT HIRING,
RETENTION AND SUPERVISION AGAINST THE DEFENDANTS**

123. Plaintiff realleges, incorporates and restates all previous paragraphs as if set forth fully herein.

124. At all material times, Defendants Archdiocese of New York, ArchbishopRIC, Holy Cross, Mt. Carmel and The Carmelite Fathers, by and through their agents, managers, employees, and directors owed a duty to Plaintiff to use reasonable care to protect his safety, care, well-being and health while he was under the care, custody or in the presence of the Defendants. These duties encompassed the use of reasonable care in the hiring, retention and supervision of Fr. George Boxelaar and otherwise providing a safe environment for children.

125. Prior to the sexual misconduct perpetrated by Fr. George Boxelaar upon Plaintiff, Defendants Archdiocese of New York, ArchbishopRIC, Holy Cross, Mt. Carmel and The Carmelite Fathers knew, or in the exercise of reasonable care, should have known, of the general problem of Catholic clergy engaging in sexual misconduct with children who were in Archdiocese of New York, Holy Cross, and The Carmelite Fathers programs.

126. Prior to the sexual misconduct perpetrated by Fr. George Boxelaar upon Plaintiff, Defendants Archdiocese of New York, ArchbishopRIC, Holy Cross, Mt. Carmel and The Carmelite Fathers, knew, or in the exercise of reasonable care, should have known, that Fr. George Boxelaar was unfit for the duties assigned to him, that he did not exhibit appropriate behavior with children, and otherwise posed a risk of perpetrating unwanted sexual contact upon children.

127. Given actual or constructive knowledge of Fr. George Boxelaar's dangerous propensities specifically, the Defendants had a duty to act reasonably in all decisions relating to his hiring, supervision, and retention as an employee.

128. Defendants failed to exercise reasonable care in one or more of their decisions to hire, supervise, and retain Fr. George Boxelaar and therefore exposed Plaintiff to an unreasonable risk of harm.

129. Defendants Archdiocese of New York, ArchbishopRIC, Holy Cross, Mt. Carmel and The Carmelite Fathers affirmed and ratified Fr. George Boxelaar's misconduct with Plaintiff. Given the actual and constructive knowledge of the likelihood that Fr. George Boxelaar and/or other clergy would engage children in unwanted sexual contact, the unwanted sexual contact of Plaintiff was reasonably foreseeable to Defendants Archdiocese of New York, ArchbishopRIC, Holy Cross, Mt. Carmel and The Carmelite Fathers.

130. Defendants Archdiocese of New York, ArchbishopRIC, Holy Cross, Mt. Carmel and The Carmelite Fathers and their agents had superior knowledge of the likelihood that Fr. George Boxelaar would engage in unwanted sexual contact with clients that he encountered in his position as a priest and had a duty to take precautions to lessen the risk that Plaintiff would be the victim of unwanted sexual contact.

131. At all relevant times, Defendants Archdiocese of New York, ArchbishopRIC, Holy Cross, Mt Carmel and The Carmelite Fathers' acts and omissions created an environment which fostered unwanted sexual contact and exploitation against the people it had a duty to protect, including Plaintiff.

132. At all relevant times, Defendants had inadequate policies and procedures to protect children entrusted to their care and protection, including Plaintiff, which substantially contributed to the creation of a dangerous environment.

133. As a direct and proximate result of the negligence of Defendants, Plaintiff suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life, and has incurred and/or will incur costs for treatment and will continue to do so in the future. These injuries are permanent and ongoing in nature.

**AS FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENCE/PREMISES
LIABILITY AGAINST THE DEFENDANTS**

134. Plaintiff realleges, incorporates and restates all previous paragraphs as if set forth fully herein.

135. Plaintiff was a business invitee of Defendants when Fr. George Boxelaar engaged him in unwanted sexual contact.

136. Defendants owed Plaintiff a duty to protect him from dangerous conditions on their premises that they knew about, or in the exercise of reasonable care could have discovered.

137. Defendants owed Plaintiff a duty to provide a reasonably safe environment where he would be free from the threat of unwanted sexual contact while on Defendants' premises.

138. Defendants owed Plaintiff a duty to take reasonable precautions to ensure his safety while on the premises of Defendants.

139. Prior to the sexual misconduct perpetrated by Fr. George Boxelaar upon Plaintiff, Defendants knew, or in the exercise of reasonable care, should have known, of the general problem of priests and other clergy engaging in sexual misconduct with children.

140. Prior to the sexual misconduct perpetrated by Fr. George Boxelaar upon Plaintiff, Defendants knew, or in the exercise of reasonable care, should have known, that Fr. George Boxelaar was unfit for the intimate duties assigned to him, that he did not exhibit appropriate behavior with children, and otherwise posed a risk of perpetrating unwanted sexual contact upon children.

141. Defendants breached the duty owed to Plaintiff by failing to make the premises reasonably safe for Plaintiff despite what they knew or should have known about the existence of a potential threat of harm to Plaintiff on their premises.

142. Defendants breached the duty they owed to Plaintiff by failing to warn Plaintiff of the dangers and risks involved in participating in programs at Holy Cross given their superior knowledge of the potential risk of harm to Plaintiff.

143. At all relevant times, Defendants had inadequate policies and procedures to protect children entrusted to their care and protection, including Plaintiff, which substantially contributed to the creation of a dangerous environment.

144. As a direct and proximate result of the negligence of Defendants, Plaintiff suffered severe and permanent psychological, emotional and physical injuries, shame, humiliation and the

inability to lead a normal life, and has incurred and/or will incur costs for treatment and will continue to do so in the future. These injuries are permanent and ongoing in nature.

WHEREFORE, Plaintiff demands judgment on each and every Cause of Action stated above against the Defendants for a sum in excess of the jurisdictional limits of all lower courts, together with the costs and disbursements and other expenses necessary in this action.

New York, New York

Dated: August 14, 2019

Yours, etc.,



Patrick Noaker

NOAKER LAW FIRM LLC

1600 Utica Avenue S., 9th Floor

St. Louis Park, MN 55416

Telephone: (952) 491-6798

patrick@noakerlaw.com

and

Stephan H. Peskin

TOLMAGE, PESKIN, HARRIS & FALICK

20 Vesey Street, 7th Floor

New York, NY 10007

Telephone: (212) 964-1390

peskin@tolmagepeskinlaw.com

and

Leander L. James IV

Craig Vernon

JAMES, VERNON & WEEKS P.A.

1626 Lincoln Way

Coeur d'Alene, ID 83815

Telephone: (208) 667-0683

ljames@jvwlaw.net

cvernon@jvwlaw.net

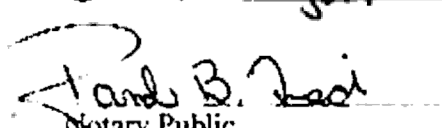
VERIFICATION

STATE OF NEW YORK)
) SS:
COUNTY OF DUTCHESS)

LEONARD FILIPOWSKI being duly sworn, deposes and says: I am the Plaintiff in this action, I have read the foregoing VERIFIED COMPLAINT and know the contents thereof; the same is true to my own knowledge, except as to those matters therein to be alleged on information and belief, and as to those matters I believe them to be true.


LEONARD FILIPOWSKI

Sworn to and sworn before me this
6th day of August, 2019


Notary Public

RANDI B. FISCH
Notary Public - State of New York
No. 01-FI4895648
Qualified in Dutchess County
My Commission Expires 05/26/2014-23